



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,275	12/28/2001	Amy L. Sherwood	BS01-174	2691

38823 7590 05/17/2006

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP/
BELLSOUTH I.P. CORP
100 GALLERIA PARKWAY
SUITE 1750
ATLANTA, GA 30339

EXAMINER

ESCALANTE, OVIDIO

ART UNIT PAPER NUMBER

2614

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,275

Applicant(s)

SHERWOOD, AMY L.

Examiner

Ovidio Escalante

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 February 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23,35-57,59-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23,35-57,59-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2614

DETAILED ACTION

1. This action is in response to applicant's amendment filed on February 28, 2006. **Claims 1-23,35-57,59-62** are now pending in the present application.
2. The Art Unit designation of this application has been changed to Art Unit 2614. Please make this change in any future response.

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1,13,35 and 47 are rejected under 35 U.S.C. 102(e) as being anticipated by Loucks, (see response to arguments).

Regarding claim 1, Loucks teaches a method of arranging for an electronically-recorded message to be delivered to a communication medium of a second user at a selected time, (abstract), said method comprising the steps of:

recording the message by a first user on a stand-alone communication device in direct connection to a telephone line as customer premises equipment, (fig. 2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20);

inputting an access code for accessing the communication medium of the second user, (col. 11, lines 38-67; fig. 7) and

indicating a delivery time for delivery of the message from the stand-alone communication device to the communication medium of the second user, (figs. 3A, 3B, col. 7, lines 51-64).

Art Unit: 2614

Regarding claims 13 and 35, Loucks teaches a method and system for sending an electronically-recorded message to a communication medium of a second user at a selected time, (abstract), said method comprises the steps and means for:

recording the message by a first user on a stand-alone communication device in direct connection to a telephone line as customer premises equipment, (fig. 2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20);

inputting an access code for accessing the communication medium of the second user, (col. 11, lines 38-67; fig. 7);

indicating a delivery time for delivery of the message to a communication medium of the recipient, (col. 7, lines 51-69; figs. 3A, 3B); and

sending the message from the stand-alone communication device to the communication medium of the recipient when the time reaches the delivery time, (col. 7, lines 51-69).

Regarding claim 47, Loucks teaches a system for sending an electronically-recorded message to a communication medium of a second user at a selected time, (abstract), said system comprising:

means for recording by a first user a message on a stand-alone communication device in direct connection to a telephone line as customer premises equipment, (fig. 2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20);

means for inputting an access code for accessing a communication medium of a second user, (col. 11, lines 38-67 fig. 7);

means for indicating a delivery time for delivery of the message to a communication medium of the second user, (figs. 3A, 3B; col. 7, lines 51-64);

Art Unit: 2614

means for keeping track of a clock time, (figs. 3A, 3B; col. 7, lines 51-64); and
means for sending the message from the stand-alone communication device to the
communication medium of the second user when the time reaches the delivery time, (col. 7, lines
51-64).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all
obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459
(1966), that are applied for establishing a background for determining obviousness under 35
U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

7. Claims 1-11,13-22,35-44,46-56 and 59-62 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Loucks US Patent 6,760,412 in view of Chandra et al. US Patent Pub.
2002/0138582, (see response to arguments).

Regarding claim 1, Loucks teaches a method of arranging for an electronically-recorded
message to be delivered to a communication medium of a recipient at a selected time, (abstract),
said method comprising the steps of:

Art Unit: 2614

recording the message on a stand-alone communication device in direct connection to a telephone line as customer premises equipment, (fig. 2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20);

inputting an access code for accessing the communication medium of the recipient, (col. 11, lines 38-67; fig. 7) and

indicating a delivery time for delivery of the message from the stand-alone communication device to the communication medium of the recipient, (figs. 3A, 3B, col. 7, lines 51-64).

Loucks does not specifically teach that the recorded message which was recorded by a first user is to be delivered to a second user since the first user and recipient in Loucks appear to be the same person. However, the Examiner notes that since Loucks teaches that the user of Loucks can input any telephone number then it would have been obvious to one of ordinary skill in the art that the user of Loucks can input a number belonging to a second user.

Nonetheless, Chandra teaches that it was well known in the art to have a reminder system in which a reminder is recorded by a first person and delivered to a second person, (paragraphs 0540,0541,0544,0252).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to send reminders to second recipients as taught by Chandra so that the message reminder sender can send their reminder to a plurality of different recipients if they want to remind everyone that is part of a group.

Regarding claims 2,15, 37 and 49 Loucks, as applied to claims 1,14,36 and 48 teaches inputting a plurality of access codes for accessing a plurality of communication media, (fig. 7).

Regarding claims 3,16, 38 and 50, Loucks, as applied to claims 2,15,37 and 49 teaches indicating a plurality of delivery times, each delivery time corresponding to delivery of the recorded message to each of a plurality of communication media, (figs. 3A, 3B; col. 7, lines 51-64).

Regarding claims 4,17, 39 and 51, Loucks in view of Chandra, as applied to claims 3,16 and 50, teaches indicating whether the message should only be delivered if the second user directly receives the message, (fig. 4; col. 9, lines 43-54).

Regarding claims 5,18,40 and 52, Loucks in view of Chandra, as applied to claims 4,17,39 and 51, teaches indicating a re-send delay period used to re-send the message to a second user after a re-send delay period if the recipient does not directly receive the message, (col. 9, lines 43-54).

Regarding claim 6, Loucks in view of Chandra, as applied to claim 5, teaches indicating a maximum re-send message number used to re-send the message to a second user a maximum number of times when the recipient does not directly receive the message, (col. 9, lines 51-54; fig. 7).

Regarding claims 7, Loucks in view of Chandra, as applied to claim 6, teaches indicating a re-send message number used to re-send the message to a second user a number of times, (fig. 7; col. 11, lines 38-67).

Regarding claims 8,19, 41 and 53, Loucks, as applied to claims 1,13, 35 and 47 teaches wherein the communication medium is a telephone, (fig. 7; col. 11, lines 38-67).

Regarding claims 9,20,42 and 54, Loucks, as applied to claims 8,19,41 and 53, teaches wherein the access code is a telephone number for the telephone, (fig. 7; col. 11, lines 38-67).

Art Unit: 2614

Regarding claims 10,21,43 and 55, Loucks, as applied to claims 1,13,35 and 47 teaches wherein the communication medium is a voicemail mailbox, (fig. 7; col. 11, lines 38-67).

Regarding claims 11,22, 44 and 56, Loucks, as applied to claims 10,21,43 and 45 teaches wherein the access code is a voicemail mailbox number, (fig. 7; col. 11, lines 38-67).

Regarding claims 13 and 35, Loucks teaches a method and system for sending an electronically-recorded message to a communication medium of a recipient at a selected timed, (abstract), said method comprises the steps and means for:

recording the message on a stand-alone communication device in direct connection to a telephone line as customer premises equipment, (fig. 2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20);

inputting an access code for accessing the communication medium of the recipient, (col. 11, lines 38-67; fig. 7);

indicating a delivery time for delivery of the message to a communication medium of the recipient, (col. 7, lines 51-69; figs. 3A, 3B); and

sending the message from the stand-alone communication device to the communication medium of the recipient when the time reaches the delivery time, (col. 7, lines 51-69).

Loucks does not specifically teach that the recorded message which was recorded by a first user is to be delivered to a second user since the first user and recipient in Loucks appear to be the same person. However, the Examiner notes that since Loucks teaches that the user of Loucks can input any telephone number then it would have been obvious to one of ordinary skill in the art that the user of Loucks can input a number belonging to a second user.

Art Unit: 2614

Nonetheless, Chandra teaches that it was well known in the art to have a reminder system in which a reminder is recorded by a first person and delivered to a second person, (paragraphs 0540,0541,0544,0252).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to send reminders to second recipients as taught by Chandra so that the message reminder sender can send their reminder to a plurality of different recipients if they want to remind everyone that is part of a group.

Regarding claims 14,36 and 48, Loucks, as applied to claims 14,35 and 47, teaches wherein the communication medium comprises a plurality of communication media, each communication medium having its own unique access code, (fig. 7).

Regarding claim 47, Loucks teaches a system for sending an electronically-recorded message to a communication medium of a recipient at a selected time, (abstract), said system comprising:

means for recording a message on a stand-alone communication device in direct connection to a telephone line as customer premises equipment, (fig. 2; col. 4, lines 49-61; col. 5, lines 42-60; col. 8, lines 6-20);

means for inputting an access code for accessing a communication medium of a recipient, (col. 11, lines 38-67 fig. 7);

means for indicating a delivery time for delivery of the message to a communication medium of the recipient, (figs. 3A, 3B; col. 7, lines 51-64);

means for keeping track of a clock time, (figs. 3A, 3B; col. 7, lines 51-64); and

Art Unit: 2614

means for sending the message from the stand-alone communication device to the communication medium of the recipient when the time reaches the delivery time, (col. 7, lines 51-64).

Loucks does not specifically teach that the recorded message which was recorded by a first user is to be delivered to a second user since the first user and recipient in Loucks appear to be the same person. However, the Examiner notes that since Loucks teaches that the user of Loucks can input any telephone number then it would have been obvious to one of ordinary skill in the art that the user of Loucks can input a number belonging to a second user.

Nonetheless, Chandra teaches that it was well known in the art to have a reminder system in which a reminder is recorded by a first person and delivered to a second person, (paragraphs 0540,0541,0544,0252).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to send reminders to second recipients as taught by Chandra so that the message reminder sender can send their reminder to a plurality of different recipients if they want to remind everyone that is part of a group.

Regarding claims 59-62, Loucks in view of Chandra teaches wherein the first user is distinct from the second user, (paragraphs 540,541,544).

As stated above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to send reminders to second recipients as taught by Chandra so that the message reminder sender can send their reminder to a plurality of different recipients if they want to remind everyone that is part of a group.

Art Unit: 2614

8. Claims 12,23, 45 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Loucks in view of Chandra and further in view of Langsenkamp US Patent 6,556,664.

Regarding claims 12,23,45,57, Loucks, as applied to claims 1,13,24,35 and 47, does not specifically teach wherein the message is retractable by canceling delivery of the message before the delivery time.

In the same field of endeavor, Langsenkamp teaches of a method and system for sending recorded to a communication media of a recipient at a selected time and wherein the recorded message is retractable by canceling delivery of the message before the delivery time, (col. 14, line 64-col. 15, line 20).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Loucks by allowing the user to cancel delivery of the message so that when the user sees that there is no longer a need to have the message sent they can prevent the message from being sent.

Response to Arguments

9. Applicant's arguments with respect to claims 1-23,35-45,46-57,59-62 have been considered but are moot in view of the new ground(s) of rejection.

10. While Applicant's amendment necessitated the new grounds of rejection, the Examiner maintained part of the previous rejection as a 102 based on an interpretation that is further emphasized by the Applicant in adding the new dependent claims.

Based on Applicant's arguments and the claimed limitation of a first user and a second user, the Examiner took the narrower interpretation for the 103 rejection since the Examiner agreed with the Applicant that Loucks does not specifically anticipate that the first user is

Art Unit: 2614

different from the second user. However, the Examiner maintained the 102 rejection under Loucks because given a broader interpretation, the claims do not specifically state that the first and second user are distinct and hence the first and second user can be the same person. The Examiner believes that the Applicant also intended this interpretation since the Applicant added several new dependent claims which state that the first user is distinct from the second user. Since dependent claims further narrow independent claims then the independent claims are always interpreted to be broader. Hence, if a dependent claim states that the first and second user are distinct then the independent claim can be broadly interpreted as having the first and second user being the same or distinct.

The rejection under 102 takes the interpretation that the first and second user are the same and the 103 rejection takes the interpretation that the first and second user are distinct.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gupta US Patent Pub. 2002/0099777 and Milewski et al. US Patent 5,930,471 and Fridich et al. US patent 5,297,143 teach a method and means for sending reminders from a first user to a distinct second user.

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2614

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

13. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30AM to 4:00PM. The examiner can also be reached on alternate Fridays.

Art Unit: 2614

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Primary Patent Examiner
Group 2614
May 10, 2006

O.E./oe